

REMARKS

Status of Claims

Claims 1-64 were pending at the time the Office Action was issued.

Claims 7, 39, and 54 are presently canceled without prejudice.

Claims 1, 8, 18, 21, 31, 40, 46, 48, 55, and 64 are currently amended.

Thus, claims 1-6, 8-38, 40-53, and 55-64 are pending.

Claim Rejections under 35 U.S.C. § 112

Dependent claims 46 and 64 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because both claims 46 and 64 failed to recite proper claim dependencies.

Applicant thanks the Examiner for noticing the discrepancy. Applicant has amended claims 46 and 64 to resolve the claim dependency error. Applicant respectfully submits that claims 46 and 64 are allowable under 35 U.S.C. § 112.

Claim Rejections under 35 U.S.C. § 102

Claims 1-5, 7-17, 31-35, 37-52, and 54-64, including independent claims 1, 31, and 48 are independent claims, were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0083444 of Blasko et al. (hereinafter "Blasko"). Applicant respectfully traverses the rejection. Applicant submits that the claims, as amended, are allowable over the reference cited.

Claim 1, as amended, is reproduced below for the convenience of the Examiner:

1. (Currently Amended) A method for managing television advertising inventory and pricing in a service area, the method comprising:
classifying available advertising into a matrix including a plurality of cells storing advertising information, each of the cells being associated with a channel, a daypart, and a service zone within the service area;

associating with each cell an available advertising inventory,
associating with each cell relevant psychographic viewer information including one or more of viewer spending preferences, viewer interests, and viewer politics;
associating with each cell an advertising price settable based on the available advertising inventory and the relevant viewer information; and
accessing one of the available advertising inventory information and the pricing information stored in the matrix by specifying at least one selection criterion reflective of the advertising information stored in the plurality of cells.

Applicant respectfully submits that claim 1, as amended, is allowable over Blasko for at least three reasons.

First, Blasko fails to teach or suggest “classifying available advertising into a matrix including a plurality of cells.” The cited portions of Blasko recite storing information in a plurality of databases, including a second database, a third database, a fourth database, and a fifth database. *See* Blasko, Paragraphs 0034-37. Respectfully, storing information in multiple databases fails to teach or suggest storing the information in a matrix including a plurality of cells. Thus, Blasko fails to teach this limitation of claim 1.

Second, Blasko fails to teach or suggest the use of psychographic viewer information of any form. The cited portions of Blasko describe using “geo-demographic data.” Respectfully, this is not the same as psychographic information as recited by claim 1 as amended. Accordingly, Blasko again fails to teach or suggest this limitation of claim 1.

Third, Blasko fails to teach or suggest the types of psychographic viewer information recited by claim 1. For example, claim 1 as amended recites using one or more of viewer spending preferences, viewer interests, and viewer politics. By contrast, Blasko uses characteristics that include “average income, average age, dominant race.” Blasko, Paragraph 0034. Clearly, the types of geo-demographic data described by Blasko are not the same as the psychographic information regarding viewer spending preferences, viewer interests, or viewer politics recited by claim 1. Certainly, any hypotheses about the recited spending preferences, viewer interests, or viewer politics that one might try to derive from income, age, or race as described by Blasko would be only guesses. Thus, Blasko fails to teach or suggest what is recited by claim 1, and claim 1 is in condition for allowance.

Claims 2-7 and 9-17 depend from and apply additional limitations to the claims from which each depends. Accordingly, claims 2-7 and 9-17 are allowable for at least the same reasons for which claim 1 is allowable. In sum, claims 1-7 and 9-17 are in condition for allowance.

Claim 31, as amended, is reproduced below for the convenience of the Examiner:

31. (Currently Amended) A computer-readable medium having stored thereon instructions for controlling operations of a computer for managing television advertising inventory and pricing in a service area, the computer-readable medium comprising:

first computer program code means for classifying available advertising into a matrix including a plurality of cells storing advertising information, each of the cells being associated with a channel, a daypart, and a service zone within the service area;

second computer program code means for associating with each cell an available advertising inventory,

third computer program code means for associating with each cell relevant psychographic viewer information including one or more of view spending preferences, viewer interests, and view politics;

fourth computer program code means for associating with each cell an advertising price settable based on the available advertising inventory and the relevant viewer information; and

fifth computer program code means for accessing one of the available advertising inventory information and the pricing information stored in the matrix by specifying at least one selection criterion reflective of the advertising information stored in the plurality of cells.

Applicant respectfully submits that claim 31, as amended, is allowable over Blasko for at least three reasons.

First, Blasko fails to teach or suggest “classifying available advertising into a matrix including a plurality of cells.” The cited portions of Blasko recite storing information in a plurality of databases, including a second database, a third database, a fourth database, and a fifth database. *See* Blasko, Paragraphs 0034-37. Respectfully, storing information in multiple databases fails to teach or suggest storing the information in a matrix including a plurality of cells. Thus, Blasko fails to teach this limitation of claim 31.

Second, Blasko fails to teach or suggest the use of psychographic viewer information of any form. The cited portions of Blasko describe using “geo-demographic data.” Respectfully,

this is not the same as psychographic information as recited by claim 31 as amended. Accordingly, Blasko again fails to teach or suggest this limitation of claim 31.

Third, Blasko fails to teach or suggest the types of psychographic viewer information recited by claim 31. For example, claim 31 as amended recites using one or more of viewer spending preferences, viewer interests, and viewer politics. By contrast, Blasko uses characteristics that include “average income, average age, dominant race.” Blasko, Paragraph 0034. Clearly, the types of geo-demographic data described by Blasko are not the same as the psychographic information regarding viewer spending preferences, viewer interests, or viewer politics recited by claim 31. Certainly, any hypotheses about the recited spending preferences, viewer interests, or viewer politics that one might try to derive from income, age, or race as described by Blasko would be only guesses. Thus, Blasko fails to teach or suggest what is recited by claim 31, and claim 31 is in condition for allowance.

Claims 32-38 and 40-47 depend from and apply additional limitations to the claims from which each depends. Accordingly, claims 32-38 and 40-47 are allowable for at least the same reasons for which claim 31 is allowable. In sum, claims 31-38 and 40-47 are in condition for allowance.

Claim 31, as amended, is reproduced below for the convenience of the Examiner:

48. (Currently Amended) A system for managing television advertising inventory and pricing in a service area, the system comprising:

a computer system comprising:

a processor;

an input device, operably connected to the processor, allowing data to be entered into the computer system;

an output device, operably connected to the processor, allowing data to be output from the computer system;

a system memory operably connected to the processor; and

at least one storage device operably coupled with the computer system, the storage device being configured to store software and data; and

a software system comprising:

a classifier configured to classify available advertising into a matrix including a plurality of cells storing advertising information, each of the cells being associated with a channel, a daypart, and a service zone within the service area;

an associator configured to associate with each cell an available advertising inventory, relevant psychographic viewer information including one or more of viewer spending preferences, viewer interests, and viewer politics, and a price settable based on the available advertising inventory and the relevant viewer information; and

an interface configured to access one of the available advertising inventory information and the pricing information stored in the matrix by specifying at least one selection criterion reflective of the advertising information stored in the plurality of cells.

Applicant respectfully submits that claim 48, as amended, is allowable over Blasko for at least three reasons.

First, Blasko fails to teach or suggest “classifying available advertising into a matrix including a plurality of cells.” The cited portions of Blasko recite storing information in a plurality of databases, including a second database, a third database, a fourth database, and a fifth database. *See* Blasko, Paragraphs 0034-37. Respectfully, storing information in multiple databases fails to teach or suggest storing the information in a matrix including a plurality of cells. Thus, Blasko fails to teach this limitation of claim 48.

Second, Blasko fails to teach or suggest the use of psychographic viewer information of any form. The cited portions of Blasko describe using “geo-demographic data.” Respectfully, this is not the same as psychographic information as recited by claim 48 as amended. Accordingly, Blasko again fails to teach or suggest this limitation of claim 48.

Third, Blasko fails to teach or suggest the types of psychographic viewer information recited by claim 48. For example, claim 48 as amended recites using one or more of viewer spending preferences, viewer interests, and viewer politics. By contrast, Blasko uses characteristics that include “average income, average age, dominant race.” Blasko, Paragraph 0034. Clearly, the types of geo-demographic data described by Blasko are not the same as the psychographic information regarding viewer spending preferences, viewer interests, or viewer politics recited by claim 48. Certainly, any hypotheses about the recited spending preferences, viewer interests, or viewer politics that one might try to derive from income, age, or race as described by Blasko would be only guesses. Thus, Blasko fails to teach or suggest what is recited by claim 48, and claim 48 is in condition for allowance.

Claims 49-53 and 55-64 depend from and apply additional limitations to the claims from which each depends. Accordingly, claims 49-53 and 55-64 are allowable for at least the same reasons for which claim 48 is allowable. In sum, claims 48-53 and 55-64 are in condition for allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 6, 36, and 53 and claims 18-30 were rejected under 35 U.S.C. § 103(a).

Claims 6, 36, and 53 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Blasko. However, because claims 6, 36, and 53 depend from claims 1, 18, and 48, which have shown to be patentable, claims 6, 36, and 53 are patentable for at least the same reasons for which the claims from which they depend are allowable. Accordingly, applicants submit that claims 6, 36, and 53 are in condition for allowance and that the rejection under 35 U.S.C. § 103(a) should be withdrawn against claims 6, 36, and 53.

Claims 18-30 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Blasko in view of U.S. Patent No. 5,404, 393 to Remillard (hereinafter “Remillard”). Applicant respectfully traverses the rejection.

Claim 18, as amended, is reproduced below for the convenience of the Examiner:

18. (Currently Amended) A method for managing television advertising inventory and pricing in a service area, the method comprising:

classifying available advertising into a matrix including a plurality of cells storing advertising information, each of the cells being associated with a channel, a daypart, and a service zone within the service area;

associating with each cell an available advertising inventory, populating the cells of the matrix with psychographic information regarding potential television viewers in the service area, the psychographic information being gathered from one of surveys of at least a subset of the potential television viewers and set-top boxes configured to relay television content from a television service provider and including one or more of viewer spending preferences, viewer interests, and viewer politics;

associating with each cell an advertising price settable based on the available advertising inventory and the psychographic information; and

accessing one of the available advertising inventory information and the pricing information the matrix by specifying at least one selection criterion reflective of the advertising information stored in the plurality of cells.

Applicant respectfully submits that claim 18, as amended, is allowable for at least three reasons.

First, neither Blasko nor Remillard teaches or suggests “classifying available advertising into a matrix including a plurality of cells.” The cited portions of Blasko recite storing information in a plurality of databases, including a second database, a third database, a fourth database, and a fifth database. *See* Blasko, Paragraphs 0034-37. Respectfully, storing information in multiple databases fails to teach or suggest storing the information in a matrix including a plurality of cells. Remillard fails to make up for this shortcoming of Blasko. Thus, claim 18 is patentable over Blasko in view of Remillard.

Second, neither Blasko nor Remillard teaches or suggests the use of psychographic viewer information of any form. The cited portions of Blasko describe using “geo-demographic data.” Respectfully, this is not the same as psychographic information as recited by claim 1 as amended. Accordingly, Blasko again fails to teach or suggest this limitation of claim 1. Moreover, while Remillard describes using survey information, at most, the described survey information only concerns surveying what television programs users are watching:

The present invention relates generally to interactive television. More specifically, the present invention relates to an electronic device for monitoring specific television activity. (e.g. program or commercial viewing) and communicating monitored activity to a facility and initiating appropriate actions dependent upon the specific television activity detected. Television activities also

include advertisements, presentations, contribution solicitations, and home purchasing shows, for example.

It is known in the art to survey television program viewing habits of television audiences. These surveys are especially important for commercial television broadcasting because advertising and programming decisions are based on television show popularity. Many different types of surveys are available, but one of the most accurate types is in-home monitoring.

Respectfully, nothing described in Remillard describes taking surveys that would collect information about spending preferences, viewer interests, or viewer politics; at most, Remillard may provide information about what a viewer has watched. Neither Blasko nor Remillard, alone or in combination, teach what is recited by claim 18.

Third, neither Blasko nor Remillard teach or suggest the types of psychographic viewer information recited by claim 18. For example, claim 18 as amended recites using one or more of viewer spending preferences, viewer interests, and viewer politics. By contrast, Blasko uses characteristics that include “average income, average age, dominant race.” Blasko, Paragraph 0034. Clearly, the types of geo-demographic data described by Blasko are not the same as the psychographic information regarding viewer spending preferences, viewer interests, or viewer politics recited by claim 18. Moreover, as previously described, Remillard fails to describe taking surveys that would gather this type of information. Again, neither Blasko nor Remillard, alone or in combination, teach what is recited by claim 18, and claim 18 is in condition for allowance.

Claims 19-30 depend from and apply additional limitations to the claims from which each depends. Accordingly, claims 19-30 are allowable for at least the same reasons for which claim 1 is allowable. In sum, claims 18-30 are in condition for allowance.

CONCLUSION

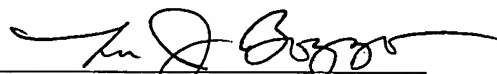
Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this response that have not been specifically noted to overcome a rejection based upon the prior art should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

Respectfully submitted,

June 25, 2008
Date


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